



# GENERAL ASSEMBLY

## COMMONWEALTH OF KENTUCKY

### 2011 REGULAR SESSION

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HOUSE BILL NO. 333

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MONDAY, FEBRUARY 28, 2011

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The following bill was reported to the Senate from the House and ordered to be printed.

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ELAINE N. WALKER  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY R. Adair

1 AN ACT relating to fireworks, making an appropriation therefor, and declaring an  
2 emergency.

3 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

4 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 227 IS CREATED TO  
5 READ AS FOLLOWS:

6 (1) For the purposes of this section, "APA 87-1" means the latest document:

7 Standard for Construction and Approval for Transportation of Fireworks,  
8 Novelties, and Theatrical Pyrotechnics written by the American Pyrotechnic  
9 Association (APA).

10 (2) The storage of consumer fireworks, display fireworks, or theatrical pyrotechnic  
11 devices, as defined in APA 87-1, at retail, wholesale, storage, or manufacturing  
12 facilities shall be reported in writing to the state fire marshal and the local fire  
13 chief of the jurisdiction where the facilities are located.

14 (a) The report shall be completed by the owner or lessee of the property or the  
15 supplier of the fireworks, and shall include the address of the facility, the  
16 location of the fireworks to be stored, a copy of the shipping bill, and  
17 whether they are consumer fireworks, theatrical pyrotechnic devices, or  
18 display fireworks.

19 (b) The initial report for permanent business establishments open year round  
20 shall be submitted between January 1, 2012, and January 31, 2012, for  
21 existing business and fifteen (15) days before storage begins for new  
22 businesses. The report for permanent business establishments open year  
23 round shall be updated annually and upon a change in location of the  
24 stored items.

25 (3) Seasonal retailers, as defined in Section 7 of this Act, shall submit, at least fifteen  
26 (15) days prior to opening for sale each year, a report to the state fire marshal  
27 and the local fire chief of the jurisdiction identifying:

1 (a) The address where the sales will be taking place;

2 (b) The address where the fireworks will be stored; and

3 (c) A description of how the fireworks will be stored. Only one (1) report is due  
 4 if the seasonal retailer stores the same product at the same location for both  
 5 the June 10 through July 7 and December 26 through January 4 seasons.

6 (4) Failure to submit a report required under this section shall be cause to cease and  
 7 desist operation of the facility or site until such time as the required information  
 8 is properly submitted. Inspectors shall notify the permit holder in writing and  
 9 may allow twenty-four (24) hours to remedy the violation, unless the violation  
 10 poses a distinct fire hazard.

11 ➔Section 2. KRS 227.700 is amended to read as follows:

12 As used in KRS 227.700 to 227.750,~~[The term]~~ "fireworks" means~~[shall mean]~~ any  
 13 composition or device for the purpose of producing a visible or an audible effect by  
 14 combustion, deflagration, or detonation, and which meets the definition of "consumer  
 15 fireworks~~["common"]~~" as defined in Section 3 of this Act or "display~~[special]~~" fireworks  
 16 as defined in Section 5 of this Act and as set forth in the United States Department of  
 17 Transportation's (DOT) hazardous materials regulations. "Fireworks" does not include:

18 (1) Exception number 1: Toy pistols, toy canes, toy guns or other devices in which  
 19 paper or plastic caps manufactured in accordance with DOT regulations, and packed  
 20 and shipped according to said regulations, are not considered to be fireworks and  
 21 shall be allowed to be used and sold at all times.

22 (2) Exception number 2: Model rockets and model rocket motors designed, sold, and  
 23 used for the purpose of propelling recoverable aero models are not considered to be  
 24 fireworks.

25 (3) Exception number 3: Propelling or expelling charges consisting of a mixture of  
 26 sulfur, charcoal, and saltpeter are not considered as being designed for producing  
 27 audible effects.

➔Section 3. KRS 227.702 is amended to read as follows:

As used in KRS 227.700 to 227.750, "consumer~~[Common]~~ fireworks" means~~[are]~~ fireworks that are suitable for use by the public, ~~[and]~~ designed primarily to produce visible effects by combustion, and ~~[must]~~ comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product~~[Products]~~ Safety Commission. The types, sizes, and amount of pyrotechnic contents of these devices are limited as enumerated in this section. Some small devices designed to produce audible effects are included, such as whistling devices, ground devices containing fifty (50) mg. or less of explosive composition, and aerial devices containing one hundred thirty (130) mg. or less of explosive composition. Consumer~~[Common]~~ fireworks are further defined by the Consumer Product Safety Commission in CPSC, 16 C.F.R. Pts 1500 and 1507, are classified as Division 1.4G~~[class C]~~ explosives by the United States Department of Transportation, and include the following:

(1) Ground and hand-held sparkling devices.

- (a) Dipped stick-sparkler or wire sparkler. These devices consist of a metal wire or wood dowel that has been~~[. Stick or wire]~~ coated with pyrotechnic composition. Upon ignition of the tip of the device, a shower of sparks is produced. Sparklers may contain up to~~[that produces a shower of sparks upon ignition. Total pyrotechnic composition may not exceed]~~ one hundred (100) grams of pyrotechnic composition per item. Those devices containing any perchlorate or chlorate salts may not exceed five (5) grams of pyrotechnic composition per item. Wire sparklers which contain no magnesium and which contain less than one hundred (100) grams of composition per item are not included in this category, in accordance with DOT regulations;
- (b) Cylindrical fountain. Cylindrical tube~~[not more than three-fourths (3/4) in. (19 mm) inside diameter,]~~ containing not more than~~[up to]~~ seventy-five (75) grams of pyrotechnic composition. Upon ignition, a shower of colored sparks,

and sometimes a whistling effect or smoke, is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle, if intended to be hand-held (handle fountain). When more than one (1) tube is mounted on a common base, total pyrotechnic composition may not exceed two hundred (200) grams, or five hundred (500) grams if the tubes are separated from each other on the base by a distance of at least one-half (1/2) inch;

(c) Cone fountain. Cardboard or heavy paper cone containing up to fifty (50) grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain. When more than one (1) cone is mounted on a common base, the total pyrotechnic composition may not exceed two hundred (200) grams, or five hundred (500) grams if the tubes are separated from each other on the base by a distance of at least one-half (1/2) inch;

(d) Illuminating torch. Cylindrical tube containing up to one hundred (100) grams of pyrotechnic composition. Upon ignition, colored fire is produced. May be spike, base or hand-held. When more than one (1) tube is mounted on a common base, total pyrotechnic composition may not exceed two hundred (200) grams, or five hundred (500) grams if the tubes are separated from each other on the base by a distance of at least one-half (1/2) inch;

(e) Wheel. ~~A [Pyrotechnic]~~ device attached to a post or tree by means of a nail or string. ~~A [Each]~~ wheel may have one (1) or more drivers, each of which may contain not more than~~[contain up to six (6) "driver" units; tubes not exceeding one-half (1/2) in. (12.5 mm) inside diameter and containing up to]~~ sixty (60) grams of pyrotechnic composition. No wheel may contain more than two hundred (200) grams total pyrotechnic composition. Upon ignition, the wheel revolves, producing a shower of color and sparks and, sometimes, a

1 whistling effect;

2 (f) Ground spinner. Small device containing not more than twenty (20) grams  
 3 of pyrotechnic composition, similar in operation to a wheel but intended to  
 4 be~~[in design and effect and]~~ placed on the ground and ignited. A shower of  
 5 sparks and color is produced by the rapidly spinning device;~~[and]~~

6 (g) Flitter sparkler. Narrow paper tube attached to a stick or wire and filled with  
 7 not more than one hundred (100) grams of pyrotechnic composition that  
 8 produces color and sparks upon ignition. ~~[This device does not have a fuse for~~  
 9 ~~ignition.]~~The paper at one (1) end of the tube is ignited to make the device  
 10 function; and

11 (h) Toy smoke device. Small plastic or paper item containing not more than one  
 12 hundred (100) grams of pyrotechnic composition that, upon ignition,  
 13 produces white or colored smoke as the primary effect;

14 (2) Aerial devices.

15 (a) Sky rockets and bottle rockets. Cylindrical tube containing not more than  
 16 ~~[rocket. Tube not exceeding one-half (1/2) in. (12.5 mm) inside diameter that~~  
 17 ~~may contain up to]~~twenty (20) grams of pyrotechnic composition. Sky rockets  
 18 contain a wooden stick for guidance and stability and rise into the air upon  
 19 ignition. A burst of color or noise or both is produced at the height of flight;

20 (b) Missile-type rocket. A device similar to a sky rocket in size, composition, and  
 21 effect that uses fins rather than a stick for guidance and stability;

22 (c) Helicopter, aerial spinner. A tube~~[not more than one-half (1/2) in. (12.5 mm)~~  
 23 ~~inside diameter and]~~ containing up to twenty (20) grams of pyrotechnic  
 24 composition. A propeller or blade is attached, which, upon ignition, lifts the  
 25 rapidly spinning device into the air. A visible or audible effect is produced at  
 26 the height of flight;

27 (d) Roman candles. Heavy paper or cardboard tube~~[not exceeding three-eighths~~

(3/8) in. (9.5 mm) inside diameter and] containing up to twenty (20) grams of pyrotechnic composition. Upon ignition, up to ten (10) "stars" (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled at several second intervals;[and]

- (e) Mine, shell. Heavy cardboard or paper tube usually[up to two and one half (2-1/2) in. (63.5 mm) inside diameter] attached to a wood or plastic base and containing up to sixty (60)[forty (40)] grams of total chemical composition (lift charge, burst charge, and visible or audible effect[pyrotechnic] composition). Upon ignition, "stars," components producing reports containing up to one hundred thirty (130) milligrams of explosive composition per report[firecrackers], or other devices are propelled into the air. The term "mine" refers to a device with no internal components containing a bursting charge, and the term "shell" refers to a device that propels a component that subsequently bursts open in the air. A mine or shell device may contain more than one (1) tube provided the tubes fire in sequence upon ignition of one (1) external fuse. The term "cake" refers to a dense-packed collection of mine or shell tubes. Total chemical composition including lift charges of any multiple tube devices may not exceed two hundred (200) grams. The maximum quantity of lift charge in any one (1) tube of a mine or shell device shall not exceed twenty (20) grams, and the maximum quantity of break or bursting charge in any component shall not exceed twenty-five percent (25%) of the total weight of chemical composition in the component. The tube remains on the ground; and
- (f) Aerial shell kit, reloadable tube. A package kit containing a cardboard, high-density polyethylene (HDPE), or equivalent launching tube with multiple-shot aerial shells. Each aerial shell is limited to a maximum of sixty (60) grams of total chemical composition (lift charge, burst charge,

and visible or audible effect composition), and the maximum diameter of each shell shall not exceed one and three-fourths (1-3/4) inches. In addition, the maximum quantity of lift charge in any shell shall not exceed twenty (20) grams, and the maximum quantity of break or bursting charge in any shell shall not exceed twenty-five percent (25%) of the total weight of chemical composition in the shell. The total chemical composition of all the shells in a kit, including lift charge, shall not exceed four hundred (400) grams. The user lowers a shell into the launching tube, at the time of firing, with the fuse extending out of the top of the tube. After the firing, the tube is then reloaded with another shell for the next firing. All launching tubes shall be capable of firing twice the number of shells in the kit without failure of the tube. Each package of multiple-shot aerial shells must comply with all warning label requirements of the Consumer Product Safety Commission.

(3) Audible ground devices.

(a) Firecrackers, salutes. Small paper-wrapped or cardboard tube containing not more than fifty (50) mg. of pyrotechnic composition. Those used in aerial devices may contain not more than one hundred thirty (130) milligrams of explosive composition per report. Upon ignition, noise and a flash of light is produced; and

(b) Chaser. Small paper or cardboard tube that travels along the ground upon ignition. A whistling effect, or other noise, is often produced. The explosive composition used to create the noise may not exceed fifty (50) mg<sup>[</sup>; and

~~(4) Combination items. Firework devices containing combinations of two (2) or more of the effects described in paragraphs (a), (b), and (c) of subsection (2) of this section}.~~

➔ Section 4. KRS 227.704 is amended to read as follows:



1 Items listed in this section are classified as novelties and trick noisemakers and are not  
 2 classified as consumer~~[common]~~ fireworks by the United States Department of  
 3 Transportation, and their transportation, storage, retail sale, possession, sale, and use  
 4 shall be allowed throughout the state at all times.

5 (1) Snake, glow worm. Pressed pellet of pyrotechnic composition that produces a large,  
 6 snake-like ash upon burning. The ash expands in length as the pellet burns. These  
 7 devices may not contain mercuric thiocyanate.

8 (2) Smoke device. Tube or sphere containing pyrotechnic composition that, upon  
 9 ignition, produces white or colored smoke as the primary effect.

10 (3) Wire sparkler. Wire coated with pyrotechnic composition that produces a shower of  
 11 sparks upon ignition. These items may not contain magnesium and must not exceed  
 12 one hundred (100) grams of pyrotechnic composition per item. Devices containing  
 13 any chlorate or perchlorate salts may not exceed five (5) grams of pyrotechnic  
 14 composition per item.

15 (4) Trick noisemaker. Item that produces a small report intended to surprise the user.  
 16 These devices include:

17 (a) Party popper. Small plastic or paper item containing not more than sixteen  
 18 (16) mg. of explosive composition that is friction sensitive. A string  
 19 protruding from the device is pulled to ignite it, expelling paper streamers and  
 20 producing a small report.

21 (b) Booby trap. Small tube with string protruding from both ends, similar to a  
 22 party popper in design. The ends of the string are pulled to ignite the friction  
 23 sensitive composition, producing a small report.

24 (c) Snapper. Small, paper-wrapped item containing a minute quantity of  
 25 explosive composition coated on small bits of sand. When dropped, the device  
 26 explodes producing a small report.

27 (d) Trick match. Kitchen or book match that has been coated with a small

1 quantity of explosive or pyrotechnic composition. Upon ignition of the match  
2 a small report or a shower of sparks is produced.

3 (e) Cigarette load. Small wooden peg that has been coated with a small quantity  
4 of explosive composition. Upon ignition of a cigarette containing one (1) of  
5 the pegs, a small report is produced.

6 (f) Auto burglar alarm. Tube which contains pyrotechnic composition that  
7 produces a loud whistle or smoke, or both, when ignited. A small quantity of  
8 explosive, not exceeding fifty (50) mg. may also be used to produce a small  
9 report. A squib is used to ignite the device.

10 ➔Section 5. KRS 227.706 is amended to read as follows:

11 As used in KRS 227.700 to 227.750, "display"~~The term "special"~~ fireworks" means  
12 pyrotechnic devices or~~[shall mean]~~ large fireworks designed primarily to produce visible  
13 or audible effects by combustion, deflagration or detonation. This term includes, but is  
14 not limited to, firecrackers containing more than two (2) grains (130 mg) of explosive  
15 composition, aerial shells containing more than forty (40) grams of pyrotechnic  
16 composition, and other display pieces which exceed the limits for classification as  
17 "consumer~~[common]~~ fireworks." Display~~[Special]~~ fireworks are defined by the  
18 Consumer Product Safety Commission in CPSC, 16 C.F.R. Pts. 1500 and 1507, and  
19 are classified as Class B explosives by the United States Department of Transportation.

20 ➔Section 6. KRS 227.710 is amended to read as follows:

21 No person, firm, copartnership, or corporation shall offer for sale, expose for sale, sell at  
22 retail, keep with intent to sell, possess, use, or explode any display fireworks, except as  
23 follows:

24 (1) (a) In cities the chief of the fire department, or mayor, or similar official where  
25 there is no fire department, and in counties outside of cities the county  
26 judge/executive, may grant permits for supervised public displays of fireworks  
27 by municipalities, fair associations, amusement parks, and other organizations

1 or groups of individuals.

2 (b) Every display shall be handled by a competent display operator to be approved  
3 by the public official by whom the permit is granted, and shall be of such  
4 character, and so located, discharged or fired as in the opinion of the official,  
5 after proper inspection, to~~[shall]~~ not be hazardous to property or endanger any  
6 person.~~[}~~

7 (c) "Competent display operator" shall be defined as the person with overall  
8 responsibility for the operation and safety of a fireworks display. The  
9 competent display operator shall have a Bureau of Alcohol, Tobacco,  
10 Firearms, and Explosives (ATF) License and have participated as an  
11 assistant in firing at least five (5) public displays. A "competent display  
12 operator" is also an employee possessor. A permit under paragraph (a) of  
13 this subsection shall be issued only to a competent display operator holding  
14 an ATF license.

15 (d) At least one (1) competent display operator shall be on site during display  
16 set-up and firing. This competent display operator shall maintain a copy of  
17 the permit application, as signed by the local authority having jurisdiction  
18 as identified in this section, on site and at all times the display is in place,  
19 and shall be presented on demand of the state fire marshal or local fire  
20 chief. All public displays that require issuance of a permit shall be  
21 conducted in accordance with the provisions of National Fire Protection  
22 Association (NFPA) 1123 – Code for Fireworks Display (adopted edition).

23 (e) Permits shall be filed with the state fire marshal at least fifteen (15) days in  
24 advance of the date of the display. After the privilege is granted, sales,  
25 possession, use, and distribution of fireworks for the display shall be lawful  
26 for that purpose only. No permit granted under this subsection shall be  
27 transferable. For the purposes of this subsection, "public display of fireworks"

shall include the use of pyrotechnic devices or pyrotechnic materials before a proximate audience, whether indoors or outdoors.

(f) Any person remaining within the display area shall be identified as licensed by the ATF, or an employee thereof, or be an assistant in training to become a competent display operator. All persons remaining within the display area shall be at least eighteen (18) years of age.

(g) The Commissioner of the Department of Housing, Buildings and Construction with recommendation from the state fire marshal shall promulgate administrative regulations in accordance with KRS Chapter 13A to administer the provisions of this subsection. The regulations shall address the process by which permits are issued and any other procedures that are reasonably necessary to effectuate this subsection.

(2) The sale, at wholesale, of any display fireworks for ~~permitted~~[supervised] displays by any resident manufacturer, wholesaler, dealer, or jobber, in accordance with regulations of the United States Bureau of Alcohol, Tobacco and Firearms, and Explosives if the sale is to the person holding a display permit as outlined in subsection (1) of this section. The permit holder shall present the permit along with other verifiable identification at the time of sale.

(3) The sale of display fireworks in accordance with a license issued by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives[, at wholesale, of any kind of fireworks by any resident manufacturer, wholesaler, dealer, or jobber, provided the fireworks are intended for shipment directly out of state in accordance with regulations of the United States Department of Transportation].

(4) The sale and use in emergency situations of pyrotechnic signaling devices and distress signals for marine, aviation, and highway use.

(5) The use of fuses and railway torpedoes by railroads.

(6) The sale and use of blank cartridges for use in a show or theater or for signal or

1 ceremonial purpose in athletics or sports.

2 (7) The use of any pyrotechnic device by military organizations.

3 (8) The use of fireworks for agricultural purposes under the direct supervision of the  
4 United States Department of the Interior or any equivalent or local agency.

5 (9) Nothing in this section shall prohibit a person, firm, co-partnership, non-profit,  
6 or corporation from offering for sale, exposing for sale, selling at retail, keeping  
7 with intent to sell, possessing or using consumer fireworks as defined in Section 3  
8 of this Act and~~[The sale of common fireworks]~~ as permitted pursuant to KRS  
9 227.715.

10 ➔Section 7. KRS 227.715 is amended to read as follows:

11 Except as provided in KRS 227.710, the consumer~~[common]~~ fireworks described in KRS  
12 227.702~~[(1)]~~ may be offered for sale, sold at retail, or kept with the intent to sell, only if  
13 the following requirements are met:

14 (1) Any person firm, co-partnership, non-profit, or business intending to sell  
15 consumer~~[common]~~ fireworks described in KRS 227.702(1) shall register annually  
16 with the state fire marshal, who may assess a fee of no more than twenty-five  
17 dollars (\$25)~~[fifty dollars (\$50)]~~ for each site at which fireworks shall be sold. The  
18 registration requirement under this section shall not apply to permanent business  
19 establishments which are open year round and in which the sale of fireworks is  
20 ancillary to the primary course of business. Each location shall be required to  
21 charge sales tax at the current rate imposed on retailers in KRS 139.200;

22 (2) Permanent business establishments open year round and in which the sale of  
23 consumer fireworks is ancillary to the primary course of business shall only be  
24 permitted to sell those consumer fireworks described in KRS 227.702(1), or shall  
25 meet the criteria for "seasonal retailer" described in subsection (3) of this  
26 section;

27 (3) "Seasonal retailers" shall be defined as any person, firm, co-partnership, non-

profit, or corporation intending to sell "consumer fireworks" between June 10th and July 7th, or December 26th and January 4th of each year or both, and shall include permanent businesses, temporary businesses, stores, stands, or tents. A seasonal retailer shall register with the state fire marshal, who may assess a fee of no more than two hundred fifty dollars (\$250) for each site at which fireworks shall be sold. Each location shall be required to charge sales tax at the current rate imposed on retailers in KRS 139.200;

(4) Any person, firm, co-partnership, non-profit, or corporation intending to sell consumer fireworks, as defined in KRS 227.702(2) and (3) as the primary source of business, that is not a seasonal retailer as defined in subsection (3) of this section, shall register with the state fire marshal, who may assess a fee of no more than five hundred dollars (\$500) for each site at which fireworks will be sold. Each location shall be required to charge sales tax at the current rate imposed on retailers in KRS 139.200;

(5) The annual registration required by [subsection (1) of] this section shall be received by the state fire marshal at least fifteen (15) days prior to offering fireworks for sale at the site for which the registration is intended. Evidence that a sales and use tax permit has been obtained from the Department of Revenue shall be presented to the state fire marshal as a condition of registration. If the registration is received less than fifteen (15) days prior to offering fireworks for sale at the site for which registration is intended, an additional assessment of one hundred dollars (\$100) shall be added to the initial fee;

(6) [(3)] Each site at which fireworks are offered for sale shall have its registration certificate displayed in a conspicuous location at the site;

(7) [(4)] Each site at which fireworks are offered for sale shall comply with all applicable provisions of the International Building Code, with Kentucky Amendments (adopted edition), and NFPA 1124 (National Fire Protection

Association) – Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles (adopted edition)~~[have a working fire extinguisher at the site, in compliance with NFPA Pamphlet 10];~~

~~(8) [(5) — No common fireworks item shall be offered for sale if it has as part of its device any wings, fins, or other mechanism designed to cause the device to fly, or if it carries a cautionary label which includes in its description any of the following terms: "explosive," "emits flaming pellets," "flaming balls," "firecracker," "report," or "rocket;"~~

~~(6)}~~ No person or business shall give, offer for sale, or sell any consumer~~[common]~~ fireworks listed in KRS 227.702 to any person under eighteen (18)~~[sixteen (16)]~~ years of age;

~~(9) [(7)]~~ No person under eighteen (18) years of age may be employed by a fireworks distribution facility, or manufacturing facility. No person under eighteen (18) years of age shall sell consumer fireworks at a consumer fireworks retail sales facility registered under Section 7 of this Act unless the individual is supervised by a parent or guardian;

(10) The state fire marshal may revoke the registration of any site which is in violation of a requirement of this section, or any other requirement provided pursuant to this chapter. If the violation renders any property especially susceptible to fire loss, and there is present such hazard to human life or limb that the public safety imperatively requires emergency action, the state fire marshal may take that action, as provided in KRS 227.330(6); and

(11) A person lawfully possessing consumer fireworks, as defined in KRS 227.702(2) and (3) may use those items if:  
(a) He or she is at least eighteen (18) years of age;  
(b) Fireworks are not ignited within two hundred (200) feet of any structure, vehicle, or any other person; and

1 (c) Use of the fireworks does not place him or her in violation of any lawfully  
 2 enacted local ordinance.

3 ➔ Section 8. KRS 227.750 is amended to read as follows:

4 (1) The state fire marshal, or any fire department having jurisdiction which has been  
 5 deputized to act on behalf of the state fire marshal, shall cause to be removed at  
 6 the expense of the owner all stocks of fireworks which are stored and held in  
 7 violation of this chapter. After a period of sixty (60) days, the seized fireworks  
 8 may be offered for sale by closed bid to a properly certified fireworks wholesaler.

9 (2) After a period of sixty (60) days, the seized fireworks may be offered for sale by  
 10 closed bid to a properly certified manufacturer, distributor, or wholesaler. All  
 11 seized fireworks or explosives with a Class 1.3G or "Display" designation shall  
 12 require the notification of the United States Bureau of Alcohol, Tobacco and  
 13 Firearms. The state fire marshal shall provide the owner or possessor a receipt  
 14 containing the complete inventory of any fireworks seized within five (5) business  
 15 days of the seizure.

16 (3) Before any seized fireworks may be disposed of:

17 (a) If the owner of the seized fireworks is known to the state fire marshal, the  
 18 state fire marshal shall give notice by registered mail or personal service to  
 19 the owner of the state fire marshal's intention to dispose of the fireworks.  
 20 The notice shall inform the owner of the state fire marshal's intent. The  
 21 state fire marshal shall conduct an administrative hearing in accordance  
 22 with KRS Chapter 13B concerning the disposal of fireworks; or

23 (b) If the identity of the owner of any seized fireworks is not known to the state  
 24 fire marshal, the state fire marshal shall cause to be published, in a  
 25 newspaper of general circulation in the county in which the seizure was  
 26 made, notice of the seizure, and of the state fire marshal's intention to  
 27 dispose of the fireworks. The notice shall be published once each week for



three (3) consecutive weeks. If no person claims ownership of the fireworks within ten (10) days of the date of the last publication, the state fire marshal may proceed with disposal of the fireworks. If the owner does claim the fireworks within ten (10) days of the date of the last publication, a hearing as set out in paragraph (a) of this subsection shall be held

(4) Nothing in KRS 227.700 to 227.750 shall restrict a local government from enacting ordinances that affect the sale or use of fireworks within their jurisdiction~~[The state fire marshal shall seize, take, remove, or cause to be removed at the expense of the owner, all stocks of fireworks or combustibles offered or exposed for sale, stored, or held in violation of this chapter. All fireworks held, possessed, or used in violation of this chapter shall be destroyed as contraband].~~

➔ Section 9. KRS 227.708 is amended to read as follows:

- (1) Items described in KRS 227.702~~[(1)]~~ are legal for retail sale provided all applicable federal and state requirements with respect thereto are met.
- (2) Items described in ~~[KRS 227.702(2) and (3) and ]~~KRS 227.706 are not legal for retail sale but are legal under permits granted pursuant to KRS 227.710 for the purposes specified in this chapter for public displays and may be sold at wholesale as provided in this chapter.
- (3) Items described in KRS 227.704 are legal for retail sale provided all applicable federal and state requirements with respect thereto are met.

➔ Section 10. KRS 227.782 is amended to read as follows:

(1) There is hereby established in the State Treasury a special fund to be known as the fire prevention and public safety fund. The fund shall consist of all moneys recovered as penalties under KRS 227.778 and moneys collected for fees pursuant to Section 7 of this Act.~~[ ]~~

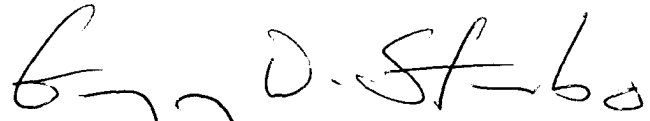
(2) Notwithstanding KRS 45.229, fund amounts not expended at the close of the

1 fiscal year shall not lapse but shall be carried forward to the next fiscal year.

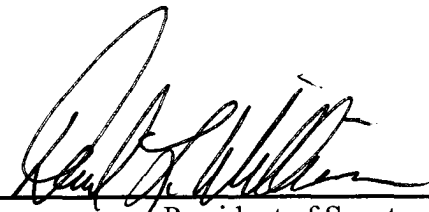
2 (3) Any interest earnings of the fund shall become a part of the fund and shall not  
3 lapse.

4 (4) The moneys shall be deposited to the credit of the fund and shall, in addition to any  
5 other moneys made available for such purpose, be made available to the state fire  
6 marshal to administer Sections 1 to 10 of this Act and to support fire safety and  
7 prevention programs.

8 ➔Section 11. Whereas the ordinary effective date of legislation passed during the  
9 2011 Regular Session of the Kentucky General Assembly would hinder persons subject to  
10 the provisions of this Act from complying with its requirements before the July 4 holiday,  
11 an emergency is declared to exist, and this Act takes effect upon its passage and approval  
12 by the Governor or upon its otherwise becoming a law.

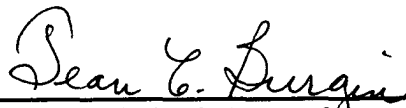


Speaker-House of Representatives



President of Senate

Attest:



Chief Clerk of House of Representatives

Approved



Governor

Date

3-16-11